



For Release: Tuesday, March 12, 2013

## **DEC Reminds Small Communities ff High Fire Risk Season and State Ban on Brush Burning**

### **Residential Brush Burning Prohibited March 16 - May 14**

New Yorkers who reside in smaller communities should be aware that all residential brush burning is prohibited during the state's historically high-fire-risk period beginning March 16 through May 14, Department of Environmental Conservation (DEC) Commissioner Joe Martens reminded today.

"Since the open burning regulation passed in 2009, there are a fewer number of fires reported in New York State this time of year," Commissioner Martens said. "I urge everyone to be cautious with the risk of wildfires and remind all New Yorkers that the statewide ban is in effect through mid-May beginning this week."

In 2009, New York toughened restrictions on open burning to reduce harmful air pollutants and help prevent wildfires. While the regulation allows residential brush burning for most of the year in towns with a population of less than 20,000, it prohibits open burning in all communities during early spring when the bulk of New York's wildfires typically occur. The new regulation prohibits the burning of garbage at all times and places.

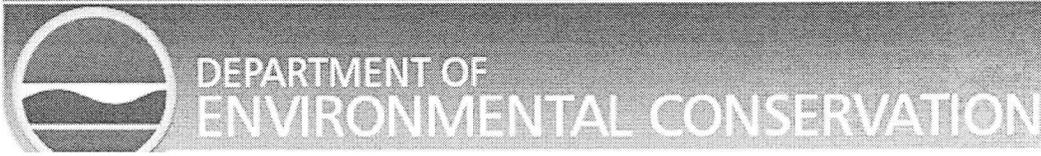
Several factors enable wildfires to start easily and spread quickly at this time, including the lack of green vegetation, abundance of available fuels such as dry grass and leaves, warm temperatures and wind.

Open burning is the largest single cause of wildfires in New York State. Data from DEC's Division of Forest Protection show that debris burning accounted for about 36 percent of wildfires in the state between 1985 and 2009 - more than twice the next most-cited cause. In addition, from 2000 to 2009, New York's fire departments responded to an average of 2,300 wildfires each year during the period of March 14 through May 16 or about 46 percent of all wildfires for the year.

Fire department data for 2010, 2011 and 2012 indicated a 35 percent reduction in wildfires during the burn ban period for those years when compared to the previous 10 years (2000-2009). In addition, 80 percent of all communities across the state had a reduction of wildfires as compared to the previous ten years.

Violators of the open burning state regulation are subject to both criminal and civil enforcement actions, with the minimum fine of \$500 for a first offense. To report environmental law violations call 1-800-TIPP DEC (1-800-847-7332), or report online on DEC's website. A list of questions and answers on the new open burning regulation is available on DEC's website.

Some towns are designated "fire towns" primarily in and around the Adirondack Park and Catskill Park. Under Environmental Conservation Law, open burning is prohibited in these municipalities at all times without a written permit from DEC. To find out whether a town is a designated "Fire Town" and/or to obtain a permit, parties should contact a DEC regional office. For a directory of the DEC Regional Offices, visit the DEC website.



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## Questions and Answers Regarding Open Burning Regulations Effective October 14, 2009

### 1. Do the regulations on open burning make burning household trash in burn barrels or piles illegal?

Yes. Burning trash is prohibited statewide in all cases. Our existing incinerator rule already prohibits burning household trash in wood stoves, fireplaces, and outdoor wood boilers. DEC recommends that you recycle all appropriate materials (such as newspaper, paper, glass and plastic) and compost your organic kitchen and garden waste.



Watch a public service announcement on open burning on DEC TV.

### 2. What are the regulations on open burning in New York State?

Effective on October 14, 2009, all open burning is prohibited in New York with several exceptions including the following:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

In towns with a total population less than 20,000, you may burn tree limbs with attached leaves. The limbs must be less than 6 inches in diameter and 8 feet in length (also referred to as brush). However, this is not allowed from March 16 through May 14 due to the increased risk of wildfires.

See Section 215.3 for a full list of exceptions.

#### Important Links

Open Burning Regulation Tip Strip (PDF, 300 Kb)

Open Burning Regulations Fact Sheet (PDF, 38 Kb)

It Is Illegal to Burn Trash Poster (PDF, 510 Kb)

Open Burning Permit

Contact for this Page

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All of New York State

**3. Why has DEC changed the regulations allowing open burning in New York State?**

Open burning of household trash releases dangerous compounds including arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, hydrogen cyanide and dioxin, among others. Open burning is also the single greatest cause of wildfires in New York.

**4. Can I burn leaves if I live in a rural area?**

No, burning leaves is banned in New York State. We encourage you to compost leaves.

**5. Your rule says firewood must be untreated, some firewood is heat-treated, is that allowed?**

Some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood such as pressure-treated lumber and plywood is prohibited.

**6. Are open fires allowed to control invasive plant and insect species?**

Yes. Case-by-case DEC approval is not required.

**7. Can agricultural wastes be burned?**

Yes, organic agricultural wastes may be burned on-site where they are grown or generated including brush and wood produced by clearing fields and other activities. The fire must be located on contiguous agricultural land larger than 5 acres, and the materials capable of being fully burned within 24 hours.

The burning of pesticides, plastics or other non-organic material is prohibited.

**8. Can I burn liquid petroleum fueled smudge pots to prevent frost damage to crops?**

Yes. However, burning tires and other wastes for smudge is not allowed.

**9. Can prescribed burns be performed?**

Yes. Prescribed burns, the burning of forest land to achieve a vegetative or wildlife management goal, can be performed but only in accordance with DEC regulations. Check with your regional DEC office.

**10. Are fire training burning activities allowed?**

Yes, with some restrictions on the use of acquired structures and in accordance with guidance from NYS Dept. of State's Office of Fire Prevention and Control. The Fire Services Bureau may be reached at 518-474-6746.

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**11. Are individual open fires to control plant and animal disease outbreaks allowed?**

Yes, as approved case-by-case by DEC, upon the request by the Commissioner of Agriculture and Markets.

**12. Can I dispose of a flag or religious item in an open fire?**

Yes, in a small-sized fire if it is not otherwise prohibited by law or regulation.

**13. Are permits for open fires still required in some parts of the state?**

Yes. While a permit is not required under this regulation, the Environmental Conservation Law (ECL) still requires that a permit be obtained from the Department if you plan to burn brush under the exception and you live in a town which is totally or partially located within the boundaries of the Adirondack and Catskill Parks which is designated as a "Fire Town" under the ECL (see list below). In addition, any local requirements or restrictions would apply.

- Clinton County, the towns of Altona, Ausable, Black Brook, Dannemora, Ellenburg and Saranac;
- Delaware County, the towns of Andes, Colchester, Hancock and Middletown;
- Essex County, all towns
- Franklin County, the towns of Altamont, Belmont, Brighton, Duane, Franklin, Harrietstown, Santa Clara and Waverly;
- Fulton County, the towns of Bleecker, Caroga, Mayfield, Northampton and Stratford;
- Greene County, the towns of Hunter, Jewitt, Lexington and Windham;
- Hamilton County, all towns;
- Herkimer County, the towns of Ohio, Russia, Salisbury and Webb;
- Lewis County, the towns of Crogham, Diana, Grieg, Lyonsdale and Watson;
- Oneida County, the towns of Forestport and Remsen;
- Saratoga County, the towns of Corinth, Day, Edinburg and Hadley;
- Saint Lawrence County, the towns of Clare, Clifton, Colton, Fine, Hopkinton, Parishville, Piercefield and Pitcairn;
- Sullivan County, the towns of Neversink and Rockland;
- Ulster County, the towns of Denning, Gardiner, Hardinburgh, Olive, Rochester, Shandaken, Shawangunk, Wawarsing and Woodstock;
- Warren County, the towns of Bolton, Chester, Hague, Horicon, Johnsburgh, Lake George, Luzerne, Queensbury, Stoney Creek, Thurman and Warrensburgh;

- Washington County, the towns of Dresden, Fort Ann and Putnam.

**14. Can a town prohibit open burning that the state allows?**

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and not inconsistent with, the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires.

**15. Can explosives, or other dangerous contraband, be burned?**

Yes, on an emergency basis by police or other public safety organizations only.

**16. Can brush piles be burned at transfer sites?**

No, the practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on site as discussed under question 2 above. Downed limbs and branches generated at a transfer site are also allowed to be burned on site with the same restrictions.

**17. Where should I call to report an illegal open fire?**

To report environmental law violations call 1-800-TIPP DEC (1-800-847-7332).

The Department has received many questions regarding DEC's implementation of Part 215, regarding open fires. This document is intended to inform the general public about open fire regulation in New York and assist the regulated community in understanding the requirements of Part 215.